

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA

v.

Criminal No. 3:00cr83 (DJN)

LUIS CRISTOBAL,  
Petitioner.

**MEMORANDUM OPINION**


By Memorandum Opinion and Order entered on June 29, 2004, the Court denied a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 filed by Petitioner. (ECF Nos. 114, 115.) On March 6, 2023, Petitioner filed a second § 2255 motion. (“Successive § 2255 Motion,” (ECF No. 164).)

The Antiterrorism and Effective Death Penalty Act of 1996 restricted the jurisdiction of the district courts to hear second or successive applications for federal habeas corpus relief by prisoners attacking the validity of their convictions and sentences by establishing a “gatekeeping mechanism.” *Felker v. Turpin*, 518 U.S. 651, 657 (1996) (internal quotation marks omitted). Specifically, “[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A). Because the Fourth Circuit has not authorized this Court to entertain Petitioner’s Successive § 2255 Motion, the Motion, (ECF No. 164), will be DISMISSED for want of jurisdiction. A certificate

of appealability will be DENIED.

Let the Clerk file a copy of this Memorandum Opinion electronically and send a copy to  
Petitioner.

It is so ORDERED.

/s/ 

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David J. Novak  
United States District Judge

Richmond, Virginia

Dated: March 27, 2023